

**CITY OF SOMERVILLE, MASSACHUSETTS
SOMERVILLE CONDOMINIUM REVIEW BOARD**

*JOSEPH A. CURTATONE
MAYOR*

Staff

Hannah Carrillo
Sustainable Neighborhoods Coordinator

Board Members

Daniel Maltzman
William Medeiros
Victor Silva
Marlene Smithers
Zachary Zasloff

Meeting Minutes

December 18, 2017 Meeting – 6:00 PM

Visiting Nurses Association, Third Floor Conference Room
259 Lowell St. Somerville, MA 02144

Board Members Present: Daniel Maltzman, Victor Silva, William Medeiros

City staff present: Hannah Carrillo (Sustainable Neighborhoods Initiative Program Coordinator), Michael Feloney (Housing Division Director)

Board Acting Chair Daniel Maltzman served as Chair for the meeting, due to Board Chair Zachary Zasloff's absence due to unforeseen circumstances. Acting Chair Maltzman convened the meeting at 6:00 PM. With several people in attendance wishing to provide public comment regarding the application for Millbrook Lofts, Acting Chair Maltzman announced that the Millbrook application was last on the agenda, with nine other applications before it. Acting Chair Maltzman explained that there would be opportunity for public comment period, as there is for every application presented. Housing Director Mike Feloney informed those in attendance that a sign-up sheet would be on the table in front of the Board for people to sign up to make their comments regarding Millbrook Lofts. Dan Maltzman stated that each person would have three minutes to make their comments, and they would be called in the order they signed up.

1. Approval of Meeting Minutes
A motion was introduced and PASSED 3-0 to approve the meeting minutes for the November 20, 2017 meeting.
2. New Business – Applications for Certificates of Exemption and/or Removal Permits
Board members moved to review each removal permit application before the Board.

WARD 1 - PRECINCT 2

Application of Leonardo Joseph DiCarlo, Maureen McGovern representing, seeking a Removal Permit for Unit #1 and Unit #2 located at 19 Cutter St. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property was purchased vacant June 2017. Materials included with the application were:

- Engineer/architect's report
- Master deed

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 3-0:

To grant Certificate of Condominium Review Board Approval for Unit #1 and Unit #2 located at 19 Cutter St.

WARD 1 - PRECINCT 2

Application of Nulsen Smith, Maureen McGovern representing, seeking a Removal Permit for Unit #1 and Unit #2 located at 33 Cutter St. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property was purchased vacant August 2017.

Materials included with the application were:

- Engineer/architect's report
- Master deed

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 3-0:

To grant Certificate of Condominium Review Board Approval for Unit #1 and Unit #2 located at 33 Cutter St.

WARD 6 - PRECINCT 1

Application of Leonardo Joseph DiCarlo, Maureen McGovern representing, seeking a Removal Permit for Unit #1 and Unit #2 located at 38 Chester St. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property was purchased vacant August 2017. Materials included with the application were:

- Engineer/architect's report
- Master deed

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 3-0:

To grant Certificate of Condominium Review Board Approval for Unit #1 and Unit #2 located at 38 Chester St.

WARD 4 - PRECINCT 1

Application of Amarpreet Singh, seeking a Removal Permit for Unit #1, Unit #2, and Unit #3 located at 31-33 Sydney St. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. There was a fire at this property in October, 2017 which caused the displacement of all residents. The property owner provided relocation costs and assisted two of the three tenants in finding new units. Housing Director Mike Feloney requested that additional tenant documents be provided, as the previous tenants have rights in this matter. The property owners will be following up with the requested information. The Master Deed and Engineer/Architect's report were not included with the application.

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 3-0:

To grant a Certificate of Condominium Review Board Approval for Unit #1, Unit #2, and Unit #3 located at 31-33 Sydney St., conditioned on the applicant submitting a master deed and engineer/architect's report and additional tenant documentation.

WARD 5 - PRECINCT 1

Application of Wei Zhang, seeking a Certificate of Exemption for Unit #1 and Unit #2 located at 53-55 Partridge Ave. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property was purchased from an owner-occupant in June 2016, and has never been used as a rental property. Materials included with the application were:

- Engineer/architect's report
- Master deed

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 3-0:

To grant Certificate of Condominium Review Board Approval for Unit #1 and Unit #2 located at 53-55 Partridge Ave.

WARD 1 - PRECINCT 2

Application of Gregory Pratt and Sarah Redmon, seeking two Certificates of Exemption, one for Unit #1 and another for Unit #2 located at 19 Wisconsin Ave. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. This property was inherited from a parent by two brothers, with each unit being deeded separately. One brother sold his half to current owner Sarah Redmon, and the other, Gregory Pratt, remained living in his unit, #2. Both units have always been owner occupied, and now each owner would like separate Certificates of Exemption for their respective units. Materials included with the application were:

- Engineer/architect's report
- Master deed

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 3-0:

To grant Certificate of Condominium Review Board Approval for Unit #1 and Unit #2 located at 19 Wisconsin Ave.

WARD 7- PRECINCT 2

Application of Lucas Garcia, Atty. Matthew Spang representing, seeking a Removal Permit for Unit #1, Unit #2 & Unit #3 located at 16 Waterhouse St. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property was purchased vacant in October 2017. The Master Deed and Engineer/Architect's report were not included with the application.

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 3-0:

To grant Certificate of Condominium Review Board Approval for Unit #1, Unit #2 & Unit #3 located at 16 Waterhouse St., conditioned on the applicant submitting a master deed and engineer/architect's report.

WARD 3- PRECINCT 2

Application of 51 Central Development, LLC, seeking a Removal Permit for Unit #1, Unit #2 & Unit #3 located at 51 Central St. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property was purchased vacant in January 2017. Materials included with the application were:

- Engineer/architect's report
- Master deed

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 3-0:

To grant Certificate of Condominium Review Board Approval for Unit #1, Unit #2 & Unit #3 located at 51 Central St.

WARD 6- PRECINCT 1

Application of Hawthorne Development Ventures, LLC, seeking a Certificate of Exemption for Unit #28 & Unit #30 located at 28-30 Hawthorne St. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. 28 Hawthorne St. was purchased from an owner-occupant in September 2016, with the new owner then building 30 Hawthorne St. on the same property. The Board clarified that no permit would be needed for the newly constructed 30 Hawthorne St., as that property has not yet ever been used as residential property. The property owners have since provided an amended check to convert one unit instead of two. The Master Deed and Engineer/Architect's report were not included with the application.

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 3-0:

To grant Certificate of Condominium Review Board Approval for Unit #28 located at 28-30 Hawthorne St., conditioned on the applicant submitting a master deed and engineer/architect's report.

WARD 2- PRECINCT 1

Application of Somerville Millbrook Associates, LLP, Atty. Melissa Hagemeister representing, seeking Removal Permits for Units: 202, 207, 212, 404, 411, 501, 502, 504, 604, 610, 612, 711, PH2, PH4, PH5, PH8, and PH10 located at 9 Medford St., Millbrook Lofts. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. Tenant documents regarding PH2 and PH4 were not provided in time, so those two units were not considered in this application.

Attorney Hagemeister presented the application to the Board, explaining that the owner is requesting removal permits for 15 units, none of which are inclusionary rental units. Attorney Hagemeister stated that five of the presented units are already vacant, and that the property owners are following all requirements outlined by the Somerville Condominium Conversion Ordinance (SCCO). Attorney Hagemeister stated that these units are not controversial units, as all tenants of these 15 units have expressed that they are planning to move or have already moved out. After presenting the application, Attorney Hagemeister turned to Young Park of Berkeley Investments to explain why the property owners have decided to pursue condominium conversion.

Berkley Investments President Young Park stated that the company had received its Certificate of Occupancy in 2016 for Millbrook Lofts after an extensive permitting process and that occupancy has been good since that time. However, Mr. Park said that it has become clear that with additional rental units being created in the immediate area, there is increasing competition among rental properties. There is comparatively little competition among competing properties for condominium ownership. Somerville Millbrook Associates, LLP, has concluded that the market represents an opportunity to provide more homeownership units in Somerville through conversion to condos. Mr. Park stated that the company intends to complete this process in the right way, minimizing disruptions to current tenants. Mr. Park stated that he understood this may be an inconvenient process, but that Somerville Millbrook Associates, LLP was prepared to phase any construction efforts to minimize disruptions and will provide proper notice prior to any work being done. He further noted that Berkeley is only planning small changes as this point, including expanding the roof deck.

Mr. Park indicated that the company was proud of its collaboration with the Somerville art community, and that the art will continue to be displayed throughout the building; with plans to enhance the art in the building over time. Mr. Park informed everyone that the company did not have a history of selling properties after short holding periods, but that this was an exception given the market. Mr. Park closed by stating that they will work with the resident community to minimize any disruption and ability to enjoy the property, and that they would like the Board to approve the removal permits for the requested units.

Acting Chair Maltzman stated that the application was complete including the master deed and engineer's report, and that the cost for this application will go from \$8,500 to \$7,500 because of the two units that will not be considered, as the necessary documents were not provided in time to be considered at the Board's December 18, 2017 meeting. Mr. Maltzman then stated the public comment period would now begin, and for people to come forward for comment as they hear their name called.

Josephine Class- Unit 207 - current tenant- Ms. Class stated that it was hard to get into the building in the first place (due to the lottery process for 15 inclusionary affordable units), and that moving in general is difficult. Ms. Class made it clear that she would like to continue to live at Millbrook as it is a good location for her in relation to her job. Ms. Class explained that it is hard to find a place to live that is also close to her job, and that she does not wish to move.

Ellen Czuba- Unit 306- current tenant- Ms. Czuba explained that she moved to Millbrook Lofts 3 months ago, and requested that the Board not make any decisions regarding this application this evening. Ms. Czuba stated that on August 18th, 2017 the Millbrook Lofts Facebook page was promoting moving to Millbrook with a \$2,500 incentive. Ms. Czuba expressed that she felt like she was coerced into moving to Millbrook and misled by the property owners. Ms. Czuba stated that she did not move to the Millbrook with the intention of moving again and that "no one moves in if they know they'll have to move again." Ms. Czuba requested that the Board does not approve the application until tenancy of current residents can be extended.

Nicole Burton- 208- current tenant- Ms. Burton stated that she has been living at Millbrook for two years and that she loves her apartment, but she is worried that she cannot afford the cost of a condo

while continuing to send her child to college. Ms. Burton expressed that she feels like this process has been rushed and that while she is aware that she will receive two years' notice as an inclusionary tenant, there would still be so much to do in order to prepare to move if necessary. Ms. Burton also stated that she did not believe that the disruptions would be minimal. Ms. Burton also conveyed concern over the use of common areas during construction, and that something better needed to be worked out.

Jim Manning- unit 513- current tenant- Mr. Manning stated that he would not have moved in if he and his wife had known about the intent to convert to condos. Mr. Manning explained that he uses the common areas to work, as he works from home, and does not believe there will be only limited disruption with the upcoming construction planned. Mr. Manning also expressed his belief that the timing of this application is "suspect", given that it is the holiday season and the Board is not all present. Mr. Manning stated that he would like more time, as the first meeting was in November, which has given tenants less than a month to organize. Mr. Manning made it clear that he did not move in to Millbrook with the intention to move again, as it is hard to find housing in Somerville. Lastly, Mr. Manning concluded by stating that no compensation has been offered at this time, and that tenants had not been given the full view of the situation.

At that point, Acting Chair Maltzman requested that any public comments made be directed specifically to the Board. Acting Chair Maltzman clarified that this was a general statement, and was not directed at any member of the public specifically.

Gregory Santos-602- current tenant- Mr. Santos identified himself as the founder and head of the Millbrook Tenant Association. The full statement made by Gregory Santos is attached. Mr. Santos went over the allotted three minutes, at which time Acting Chair Maltzman requested that he stop, and complete the rest of his comments once everyone else has gone.

Lisa Kaufman-605- current tenant in artist unit- Ms. Kaufman explained that she was unable to attend the information session that had been held on November 16th, 2017, and found out about the conversion after having the paperwork dropped off at her door. Ms. Kaufman said that this has been stressful. Ms. Kaufman indicated that her biggest concern is that the construction will affect her ability to live and work at home. Ms. Kaufman also questioned what would happen to the Arts Amenity room. Ms. Kaufman additionally expressed concern regarding parking, which she says is difficult already, with construction only going to add to that. Ms. Kaufman also shared her concerns regarding who will be in the building office during the transition, given that this is also a current challenge that will only get more difficult during the transition to condos. Ms. Kaufman concluded by disclosing that she felt that no one will be available to help her.

Alderman-elect JT Scott- Alderman-elect for Ward 2- Alderman-elect Scott explained that he was contacted by residents who were concerned about this conversion. Mr. Scott spoke to affordability and housing as critical issues, and stated that this application was more than just the initial batch of 17 units, as over 80 units in the building are still occupied. Mr. Scott voiced that the SCCO does have enough protections, and that much of it is to mitigate inappropriate behavior. Alderman-elect Scott explained that he does not think such behavior is taking place in this case, but that the amenities

included are significant and the tenants need to be able to enjoy those amenities. Alderman-elect Scott stated that people are very concerned and that they deserve the time to organize and receive more consideration and information, also adding that relocation will be significant. It was pointed out that SCC discussions haven't been concluded and there is no guarantee that they will come to an agreement with the City. Alderman-elect Scott requested that the Board allow for more time.

At that point in time Alderman-elect Scott reached his allotted three minutes. Acting Chair Maltzman informed Alderman-elect Scott that the Board would return to him after everyone else has had a chance to speak.

Michael Devlin- 601- current tenant- Mr. Devlin explained that he had looked at the property during the first week of October, and signed a 6-month lease shortly thereafter. Mr. Devlin further explained that when he asked why the lease was only for six months, he was told that Millbrook Lofts was trying to synchronize leases between units. Mr. Devlin informed the Board that he personally felt that there was misrepresentation of the situation on the part of the property owner. Mr. Devlin went on to say that refurbishing is going to happen which will lead to noise. Mr. Devlin also expressed that he is not looking forward to having to deal with construction, and that there has been no mention of compensation by the property owner at this point. Mr. Devlin closed by stating that there is a lot more that the property owners can do to help tenants, especially those tenants who have just recently moved in.

Alex Bacamu- 709- current tenant- Mr. Bacamu moved in to Millbrook Lofts in May 2017, after being displaced from his last residence in Somerville. Mr. Bacamu is currently getting his PhD and thus, does not have a typical work schedule or income as a student. Mr. Bacamu explained that while his parents can offer help at this time, moving is still a great burden and he worries for those who do not have help like he does. Mr. Bacamu explained that he did receive an email for the community meeting from the property management company, but that the email did not explain what the meeting was about, and he was not able to attend. Mr. Bacamu closed by stating that he was informed of the conversion after the meeting was held by Gregory Santos, and asserted that the process was moving very quickly and that he found the timing odd.

Alderman-elect JT Scott – Alderman-elect Scott continued comments he had begun previously. Alderman-elect Scott stated that it was notable that roughly 25% of Millbrook residents attended the meeting given the limited time they had to organize. Alderman-elect Scott noted that he looks forward to working with everyone to ensure that all those involved in this process are protected. Alderman-elect Scott made the argument that a temporary suspension of this process will not cause undue hardship to any parties involved. Alderman-elect Scott concluded his remarks by asking the Board for a continuance of at least 60 days.

Gregory Santos- 602- current tenant- Gregory concluded his comments, which are attached.

After everyone present had the opportunity to speak, Hannah Carrillo, Staff to the Condo Review Board, read into the record two sets of written comment made by tenants of Millbrook Lofts who were unable to attend the meeting. Those comments are attached in addition to the full comments made by Gregory Santos.

Acting Chair Maltzman concluded the public comment period, and turned to Housing Director Michael Feloney for comment regarding the Staff Report that was prepared by City staff and provided to the Board ahead of the meeting to provide necessary background information. Mr. Feloney stated that he did not think it was necessary to go over the Staff Report in its entirety, but that he had selected a few points worth noting.

Mike Feloney made two clarifying points, first to inform attendees that the reason the Condo Review Board was short by two members was due to one member having had an accident at home the preceding weekend, and another member falling ill the day of the meeting. The City did not want to cancel the meeting on such short notice. The two absent Board members will not be able to vote on the matter going forward.

Mike Feloney then clarified that the initial information session that had been scheduled in October 2017 to be held at the Millbrook Lofts for the tenants was pushed back to November at the request of the City, so that City staff could have time to prepare information regarding tenant rights for the Millbrook tenants. Mike Feloney also clarified that tenants do not need to be in inclusionary units to qualify for a two-year notice period- anyone who is low-income, elderly or disabled is eligible for two years. However, it is the responsibility of the tenant to inform necessary parties of that status.

Lastly, Mike suggested even though none of the public comments made tonight have been from any of the tenants in the units on the agenda before the Board at this meeting, the common areas impact all tenants, and that the Board should review SCCO section 7-71 *Access and Repair to Units* and 7-72 *Interruption of Essential Services* regarding common space and construction.

Acting Chair Maltzman thanked Mike Feloney for his comments, and turned to Attorney Hagemeister so that she may rebut public comments made as she requested the chance to do. Attorney Hagemeister stated that a 60-day continuance was not necessary, as none of the units on the agenda for this meeting are controversial, especially units PH5 and 610 which are already vacant. Attorney Hagemeister reiterated that they are not “pushing anyone out” and that they will not be coming for many of the permits for a matter of months or even years. Attorney Hagemeister closed by stating that the units on the agenda have nothing to do with the public comments that were made, and that the tenant association will have plenty of time to organize.

Acting Chair Maltzman thanked everyone who spoke during the public comment period, noting that everyone made their comments in a respectful manner, and then turned to the Board to open comments and/or questions members may have.

Board Member William Medeiros stated that he did not believe the Board should vote on this issue at this time, and that more time was needed to continue to discuss the situation. Mr. Medeiros also stated that he believed this was a bad time of year to begin such a process.

Acting Chair Maltzman explained that he had only just received the application four days prior, and that this was not something to be taken lightly. Acting Chair Maltzman explained that this was a situation that is new to both the City and the Board, and requested any data the City may have regarding the potential impact of this proposed codoization.

Mike Feloney responded to the request for data by Acting Chair Maltzman, explaining that the 2015 Housing Needs Assessment (HNA) which contains specific data regarding the impact of condo conversion on Somerville is available for reference. The HNA did not indicate a softening of the rental market at that point in time. In addition, Mr. Feloney cited a recent rental database study

conducted by the Metropolitan Area Planning Council (MAPC) which also did not indicate a softening of the rental market.

Acting Chair Maltzman thanked Mike Feloney for that information, and continued to explain that SCCO section 7-66 *Removal of Rental Units* will need to be consulted during this process, as there are still many tenants residing in the property. In addition, Acting Chair Maltzman stated that while none of the units before the Board this evening were spoken about during the public comment period, construction will affect everyone in the building and there is still information that the Board would like, such as how many people work from home. Acting Chair Maltzman also stated that he would like more information regarding the potential arrangement with the SCC to purchase inclusionary units to preserve as affordable rental units.

Mike Feloney spoke to this issue, stating that both the City and Berkeley Investments had reached out to the SCC separately in an effort to protect the inclusionary units from the beginning of the process. Mike Feloney explained that the City has had the SCC present at tenant meetings to help in answering questions and providing clarity regarding what might result from an agreement. At the same time, it was noted that there is no agreement in place with the SCC at this time.

Acting Chair Maltzman explained that it would be beneficial to allow everyone involved more time to reach an agreement, and that he would feel more comfortable if Board member Marlene Smithers was present, as she represents elderly residents on the Board. Acting Chair Maltzman expressed that additional meetings between tenants and the property owner, desired by both sides, would be beneficial for everyone. For these reasons, Acting Chair Maltzman expressed the view that the Board should table a decision until more discussion and review has taken place.

Board member Victor Silva stated that he would like to be able to read over comments that were made so he can review them. Mr. Silva said that he would like to make use of the good will stated by Berkeley Investments previously, in which they indicated that they intended to take this process slowly. Mr. Silva stated that he would like to take some time to consult with City counselors and be better informed of any potential recourse. Mr. Silva agreed with previous statements indicating that the Board understands that these specific units at hand are compliant, but they are also part of the whole building and they will affect the lives of the tenants in a way the Board does not have experience with. Mr. Silva wanted to clarify that the Board is requesting more time to review all of the materials and information provided, in addition to more time to consult with City counselors.

At that point, Mr. Park requested the opportunity to respond to public comments made during the meeting, which Acting Chair Maltzman permitted.

Mr. Park expressed disappointment about the perceived lack of openness and transparency. Mr. Park stated that he believed they had been open and transparent, explaining that they had met with Ward 2 Alderman Heuston previously. Mr. Park stated that he understands the concern voiced by the tenants this evening.

Mr. Park expressed regret that they had not reached out to Alderman-elect Scott beforehand, and admitted to the possibility of missteps. Mr. Park explained that Berkeley Investments is open to having a period of time after the holidays to sit down and discuss the specifics of the matter further. Mr. Park explained that he understood the burden of moving and conveyed the desire to work together to make this transition as easy as possible for everyone. Lastly, Mr. Park stated that he was

open to a dialogue to see what Berkeley can do to improve the situation, and requested a 30 day continuance to allow time for additional discussion and negotiation.

Following closing comments by the Board thanking everyone who participated in the discussion, Mike Feloney explained that meeting minutes for this meeting would be available 14 business days following the meeting, and that the Staff Report will be posted tomorrow, now that it has been finalized. The City then deferred to the Board regarding when this application will be heard next.

On a motion duly made and seconded, it was VOTED 3-0:

To table a decision regarding the application for Somerville Millbrook Associates, LLP until the next Condo Review Board Meeting on January 29, 2018.

Acting Chair Daniel Maltzman introduced a motion to adjourn the meeting at 7:40 PM, which was seconded and accepted.

Written Comments Greg Santos, Esq. (860) 997-1995 gesantos1@gmail.com

Somerville Condominium Review Board Submitted 12/18/2017

Mr. Chairman, Members of the Board, my fellow Millbrook Tenants:

My name is Greg Santos, I am an attorney and a resident at Millbrook, located at 9 Medford St. in Somerville. I want to start by thanking a few people: the dedicated Tenants of Millbrook, incoming Somerville Alderman JT Scott, who has been a massively helpful resource, and you, the Members of the Board who are giving your time during this very busy holiday season.

I come before you to speak about the situation at Millbrook, and to announce publicly the creation of a Tenants' Association. Today, we delivered notice to Berkeley Investments of the creation of the Millbrook Tenants' Association. I have spent the last two weeks meeting my fellow Tenants, organizing as quickly as possible on short notice, and spreading helpful information. While I have not had a chance to meet with all Tenants at this point, I add more and more to our Association every day. As of this meeting, our group comprises more than 55 Tenants spread over 39 units.

We held our first meeting last night, to consider strategies and agree on some common issues and goals. We hope that our meeting is just the beginning of a process which will result in fully transparent communication, and terms amenable to all parties.

I will outline a number of our issues we are facing in this Removal, which we have a group have collectively agreed are important:

First, the timing of this Removal is suspect. Originally scheduled for October, the notice of the Removal was, at the last minute, changed to November, putting this process square in the middle of the holidays - a stressful time when there are precious few free hours. This seems to be a tactic that Berkeley Investments is using to reduce resistance to the implementation of its plan. We hope that this can be a process that all Tenants are able to participate in, and that the timing is reconsidered.

Second, communication with Tenants is severely lacking. We hope that we can engage in constructive talks with Berkeley Investments to make sure that all Tenants fully understand their exposure. In my conversations with my fellow Tenants, many seem very confused or ill-informed about what is happening to them and to their living situation. This is especially true of Tenants with limited English-speaking skills. In fact, for many Tenants, the only news they received of this Removal was an envelope dropped on their doorstep with some paperwork in it. Berkeley Investments' meeting that they held at Millbrook quickly transitioned from a brief informational session to a sales pitch. There has been practically zero follow-up, other than an offer to go pay rent at another Berkeley property in Boston. Our Association hopes that Berkeley will begin communicating more fully and more transparently with the Tenants at Millbrook, and we are happy to have a conversation with Berkeley about strategies to make that happen.

Next, we do not believe that Berkeley has been acting in good faith in bringing new Tenants into the building. As a group, we would like to know exactly when Berkeley began seriously considering removing Tenants and turning the building into condos. Many Tenants signed leases in August and September of this year, when we believe that Berkeley already had plans in the works to remove Tenants. Information about available rental units and the rental application were available online until the day after Berkeley's November sales and informational meeting at Millbrook.

Tenants signing leases and moving into the building had a reasonable expectation that a building that was less than a year-and-a-half old would not be turned into condos. At a minimum, Berkeley Investments and its Agent, Princeton Properties, should have disclosed this fact to avoid inducing Tenants into signing leases that could not be extended, and incurring additional moving costs in the near future.

Speaking of moving costs, as many of us know all too well, moving is painfully expensive and time-consuming. Some of the Tenants of Millbrook just moved into the building and still haven't unpacked all their boxes. Now, they will have to incur the costs of moving - this is an unplanned and unbudgeted expense which is often first / last / security and a broker's fee, plus direct moving costs. The costs of moving are so high that the City of Boston recently agreed that in any Tenant Removal in a building over four units, Tenants would be paid a relocation expense of \$6000 - \$10,000 to accurately represent the real costs of moving. Additionally, many residents at Millbrook have dogs - some have only recently adopted dogs because they believed they would have more time at a pet-friendly building - it is one of the only dog-friendly buildings in the area, and that this is an extra burden on Tenants in this already tight rental market.

Millbrook's Tenants signed up for certain amenities in the building. Even though, as Berkeley Investments' sales representative said in the November meeting, the building is not "overly amenitized," part of what the Tenants pay for is access to certain common spaces. These include a downstairs kitchen, seating area, an art space, a small gym, and a roof deck. Part of the rent paid monthly by each Tenant is to pay for access to these common spaces. It is very clear in the Somerville Condo Ordinance, section 7-71 that access by Tenants of common spaces is not to be restricted in any way, and quiet enjoyment of Tenants is not to be disturbed.

Let's be clear: Berkeley Investments plans to start construction on the common spaces, and in individual units as soon as possible - they said this in their November sales meeting and they continue to say this to prospective buyers. They have indicated that construction will begin in the common spaces as early as this month, with roof deck construction as soon as it gets warm - precisely when Tenants would be using that common space. This is absolutely prohibited by the Condo Ordinance, because construction necessarily excludes residents from common spaces. As much as Berkeley Investments claims it will minimize the disruption, our Tenants' Association would like to work with Berkeley Investments to ensure that Tenants have continual and ongoing access to the common spaces they pay for, and that their quiet enjoyment is not disturbed by construction in the common spaces or in individual units.

Millbrook also has two elevators shared by 100 units. Between construction contractors working throughout the building, parking on-site, and reserving the elevator for transporting supplies, it is going to be very difficult for Tenants to move throughout the building and on the property.

Many of the Members of the Tenants' association are also concerned about how Berkeley Investments' sales team - led by Amy Clements of TCC Real Estate - is conducting itself. Even though this Board has not given approval, some Tenants are getting written notices that their units are going to be shown. In at least one case described to me, there was no attempt to dialog with the Tenant, just an email saying a sales tour would be coming through. The Tenant, who just moved in, had to call Princeton Properties to prevent this from happening. This shows that the sales team may not be acting in good faith, already acting like Tenants in the building are second class citizens, and also ignoring this Board's approval process. Many Tenants are also upset by the downstairs seating area being turned into a salesroom floor - with large posters placed on easels throughout the middle of the common space. The Tenants' Association would like to speak constructively with Berkeley and TCC Real Estate about how we can work together to minimize the burden of an ongoing sales operation being run out of the building and to communicate constructively.

Let's speak for a minute about the low-income Tenants at Millbrook. An important part of our community, these folks have been told that they may be able to stay in their units after SCC makes an effort to purchase them. But, this is not guaranteed. Our Tenants' Association hopes to advocate for these Tenants, as well as all Tenants in the building, and we hope that even if the SCC deal does not come through, we can find a way for low-income, as well as other Tenants who wish to stay, to find a way to remain in the building.

The Tenants' Association, growing in numbers day-by-day as I am able to knock on more doors, has many questions for Berkeley Investments. But first of all, we want the respect of open, full, and transparent communication, now and in the future. We also want to know why the burden of this Removal is being unfairly laid at the feet of the Tenants, many of whom just recently signed leases. We have heard that Berkeley attempted to, but could not sell the entire building, earlier this year. Now, the Tenants have to bear the costs of construction, sales, moving, and disruption in the building in order that Berkeley Investments can recoup its investment.

This brings us to how the Board can help the Tenants at Millbrook and the Tenants' Association. We need time: time to enter into a constructive dialog with Berkeley Investments that will result in a beneficial outcome for all parties.

The Board can help the Tenants in a number of ways:

First, let's have a special meeting of the Condo Board at Millbrook, and plan to have it after the holidays have passed. We have a lovely common space, with more than enough room for the Board, Tenants and representatives from Berkeley Investments. Having a special meeting at Millbrook will maximize Tenant participation in the process and increase transparency all-around.

Second, we ask that the Board instruct Berkeley Investments to hold off on construction and sales in the building. This will give the Tenants' Association time to open its dialog with Berkeley Investments, so that the Tenants are protected during this critical time of transition.

Third, we ask that the Board to not give any type of approval to Berkeley Investments tonight. We have worked as quickly as we can to organize, but we need more time to make sure all Tenants are included if they wish to be. We worry that even granting conditional or provisional approval to Berkeley Investments tonight would embolden them to begin sales and construction immediately, with little regard to current Tenants.

The Tenants' Association plans to take strong action if our wishes are disregarded. We have to protect the interests of our Tenants, who are especially vulnerable at this moment. We are aware of the possibilities of Judicial Review under Section 7-74 of the Condo Ordinance, and are prepared to go that route if necessary, as well as the route of injunctions against Berkeley Investments if they begin construction. If the wishes of the Tenants' Association are ignored, this Board and Berkeley Investments are opening themselves up to legal challenge.

But most of all, we simply want the time and opportunity to engage in a constructive dialog and to negotiate in good faith with Berkeley Investments. So far, we have not had that opportunity. This Board has the opportunity to grant it. The Millbrook Tenants' Association respectfully requests that all Removal Permits not be approved in any manner, even conditionally or provisionally, at this time. Millbrook is outside the boundaries of what this Board typically deals with - Millbrook has 80+ occupied units, and we ask that your decision be considered carefully and in a different way than is typical.

Thank you again for your time, and we look forward to working with the Board and with Berkeley Investments in the very near future.

Hayley Thompson-King 9 Medford Street, apt. 101 Somerville, MA 02143

December 18, 2017

Re: Consideration of Inclusionary Artists' Housing in the Condo Conversion of 9 Medford Street

To whom it may concern: About a year and a half ago, I received the life-changing phone call that I had won the first ever housing lottery for 1 of 5 inclusionary artists lofts in Somerville. At the time I had just moved to Medford after having been aggressively thrown out of a 5 year tenancy on Calvin Street in Somerville to make way for tenants who could pay an obscene rent increase. I am a classically trained singer with a Master's Degree from New England Conservatory, songwriter, and full-time touring musician with my own imprint, Hard To Kill Records (i.e. I am an independent business and do not have support from a major record label) Since moving in to the inclusionary unit I produced a full-length album which has received critical acclaim:

"The intellectual contingent of her writing aside, Psychotic Melancholia is a positively jawdroppng exposition that celebrates the entire canon of rock 'n' roll's energy, and should be considered an upping of the ante on the gritty sonic real estate of garage, punk, country, and Americana, into some amalgam altogether more apt of Thompson-King's wondrous artistic aptitudes." -Paste Magazine "Juke-joint rhythm and blues bump up against heartsick country, tinges of psychedelia bleeding through the garage-rock performance. Throughout Psychotic Melancholia, Thompson-King's vocal delivery is just what the doctor ordered." -NPR

Additionally, this past year and a half I've done 4 stateside tours, hired designers and produced merchandise (T-Shirts, Physical CD's, Records), produced a music video which premiered at American Songwriter, and am preparing to announce my first overseas tour this spring. I also maintain a private studio teaching voice and piano lessons here at Millbrook and am an adjunct professor of voice at Bunker Hill Community College. Moving to Millbrook was an expensive undertaking for me, but came with the validation from my community that people like me are valuable residents of the City of Somerville. Since relocating my home and work space, my business has grown. In short, I would not have this list of accomplishments without this opportunity. I don't have to tell you that the artist population is dwindling in Somerville, a city formerly crawling with musicians, and I believe this is because, though we are good neighbors and community members, that people like me do not look good on paper. Many of us have multiple jobs in addition to our life's work, lack of extensive credit and lack of capital...making renting a home challenging and owning a home nearly out of the question. I'm extremely proud to represent my community in all of my endeavors, and I ask that in consideration of artists as a long-term investment in the landscape of the City of Somerville, that you consider offering us the purchase of our units at an affordable rate, and that you advocate for us in getting funding with our financial institutions. Thank you for your time and please feel free to contact me with any follow-up questions.

Sincerely,

Hayley Thompson-King

Somerville Condo Board Letter - PH3 20171218

Distinguished members of the Somerville Condo Board,

We are writing to you regarding the proposed condo conversion of the building currently known as Millbrook Lofts, at 9 Medford Street, Somerville, MA.

We have been residents of Millbrook Lofts for close to a year now, having moved to Boston from Lisbon, Portugal, in January 2017, residing in unit PH3.

In regard to the proposed condo conversion, we would take this opportunity to state our personal opposition, due to the following points

Our intent when we moved to Millbrook Lofts was to remain in the building for the next 3 years, as that is the duration of our VISA (H1B-H4) and moving is an expensive and time consuming endeavor.

There is no comparable rental building in the area, and within a few miles:

On the occasion of our relocation, we conducted an extensive search for housing options in the area, and settled on Millbrook Lofts as it was the only alternative that fit our requirements both in geographic location and quality of the units and living spaces in general

Following on the meeting that Berkeley Investments led this past 16th of November, to inform tenants of the proposed conversion, we have conducted extensive searches for alternative housing and have come to the conclusion that there still is a lack of comparable housing options in the area, and our initial conclusions still stood.

In response to the opportunity to buy the units that was placed as a benefit to current residents, we are unfortunately not able to even consider this due to our current visa situation, and do not see this as a personal benefit, but merely a ruse to soften the blow to tenants who are being forced out of the current housing.

Moreover, it has been our understanding that Berkeley Investments and the current building administration have shown no concern or consideration for the true costs to tenants in forcing them out of their homes as a result of the proposed condo conversion, both related to finding alternative housing, and the costs that derive from this imposition to move, and we feel this has shown no empathy or goodwill on their part to the community they are displacing with this conversion driven by purely economic reasons. Additionally, we would like to note that we have felt a true sense of community in the current residents of Millbrook Lofts, and feel it would be a loss to the community if this truly positive and diverse group were to be made to disperse, and move to other buildings and even cities in the greater Somerville, Cambridge and Boston area.

Thank you for your consideration,

Maria d'Orey

Luciano Betoldi